

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-4 and 6-14 are now present in the application. The specification, the abstract and claims 1, 6 and 8 have been amended. Claim 5 has been cancelled. Claims 1 and 14 are independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 5-12 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicant greatly appreciates the indication of allowable subject matter by the Examiner.

By the present amendment, independent claim 14 has been added to include the subject matter of dependent claim 5 and its base claim 1, which were indicated by the Examiner as including allowable subject matter. Accordingly, it is believed that claim 14 and its dependent claims are in condition for allowance.

Specification Objections

The specification and the abstract have been objected to due to the presence of minor informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that this objection has been addressed. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Objections

Claim 1 has been objected to due to the presence of minor informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that this objection has been addressed. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claim 1 stands rejected under 35 U.S.C. § 102(a) as being anticipated by Fanson, U.S. Patent Application Publication No. US 2003/0198310. Claims 1-4 and 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fanson in view of Yamazaki, U.S. Patent Application Publication No. US 2004/0141570. These rejections are respectfully traversed.

Independent claim 1 recites a symbol timing recovery method including "extracting from the signal a sample equal in length to the symbol", "converting the sample into the frequency domain and computing its channel frequency response", "converting the channel frequency response into the time domain, obtaining two peaks", "selecting one of the peaks and using the position and power of the peak to determine a company peak", "using the company peak and a corresponding peak to determine whether the peak is a correct peak response" and "using the peak response to calibrate the extraction position of the sample in the signal, thereby recovering the symbol timing of the signal."

Applicant respectfully submits that Fanson does NOT disclose or teach "determine whether the peak is a correct peak response by the company peak and a corresponding peak" and "using the peak response to calibrate the extraction position of the sample in the signal,

thereby recovering the symbol timing of the signal" as recited in claim 1. Fanson on FIGs. 2 and 88 (elements 222 and 226) and the corresponding description simply mentions "the company peak", but nowhere discloses, teaches or discusses how to use "the company peak" to recover the symbol timing as recited in claim 1.

With regard to the Examiner's reliance on Yamazaki, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above combination of elements as set forth in independent claim 1. Accordingly, this reference fails to cure the deficiencies of Fanson.

Accordingly, neither of the references utilized by the Examiner individually or in combination teaches or suggests the limitations of independent claim 1 or its dependent claims. Therefore, Applicant respectfully submits that claim 1 and its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

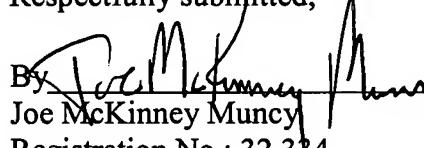
In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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